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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE
CHANGE
Second session
Geneva, 19-28 June 1991

PROVISIONAL AGENDA AND ANNOTATIONS TO THE PROVISIONAL AGENDA, INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK

Note by the Executive Secretary

I. PROVISIONAL AGENDA

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   (b) Organization of work;

   (c) Election of the officers of the Working Groups;

   (d) Dates and venues of subsequent sessions;

   (e) Provisional agenda of the third session.

2. Preparation of a framework convention on climate change:

   (a) Elements related to commitments: draft text to be prepared by Working Group I;

   (b) Elements related to mechanisms: draft text to be prepared by Working Group II;

   (c) Consideration by the plenary of progress reports submitted by the Working Groups.

3. Requests for scientific and technical advice from the Intergovernmental Panel on Climate Change.

4. Review of extrabudgetary funds:

   (a) Special voluntary fund to support the participation of developing countries;

   (b) Trust fund for the negotiating process.

5. Adoption of the report.

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

By its resolution 45/212 of 21 December 1990, the General Assembly decided "to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation by an Intergovernmental Negotiating Committee of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon."

The first session of the Committee was held in Washington, D.C., from 4 to 14 February 1991. The report of that session, including its decisions, is contained in document A/AC.237/6.

The second session of the Intergovernmental Negotiating Committee will be held at the Palais des Nations, Geneva, from 19 to 28 June 1991. The session will be opened by the Chairman of the Committee on 19 June 1991, at 11.30 a.m., in Room XX. The earlier part of the morning could be used for meetings of the Bureau and of regional groups.

1. Organizational matters:

   (a) Adoption of the agenda

The provisional agenda for the second session of the Committee has been drawn up on the basis of General Assembly resolution 45/212 and the decisions taken by the Committee at its first session. It is presented for consideration and adoption. It should be noted that the adoption of item 1(c) would imply the waiver of rule 40 of the rules of procedure, for the reason explained in the annotation below.

Before the adoption of the agenda of its second session, the Executive Secretary will bring to the attention of the Committee any other items which it may need to consider.

(b) Organization of work

(i) Participation

By paragraph 2 of its resolution 45/212, the General Assembly decided that "the Intergovernmental Negotiating Committee should be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly."

Notification of the date and venue of the second session has been communicated to the Permanent Missions of all participating States in Geneva and New York, as well as to observers. Efforts are being made to disseminate this information and the documentation for the session as widely as possible to facilitate full and effective participation (see Committee decision 1/2, para. 6).

By paragraph 19 of its resolution 45/212, the General Assembly invited "relevant non-governmental organizations to make contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process, and taking into account decision 1/1 concerning the participation of non-governmental organizations adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session". 1/

In this connection, the attention of the Committee is drawn to decision 2/1 adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its second session, held at Geneva from 18 March to 5 April 1991, 2/ and its accreditation of the non-governmental organizations listed in documents A/CONF.151/PC/L.28/Add.1-3.

(ii) Schedule of meetings

The tentative schedule of meetings contained in annex I to the present document is based on the availability of facilities during normal working hours, Monday to Friday, when services are available for up to two simultaneous meetings from 10 a.m. - 1 p.m. and 3 p.m. - 6 p.m. Delegations are urged to use these services fully by starting all meetings promptly at the scheduled time. Limited facilities will be available on Saturday, 22 June 1991 for informal meetings without interpretation.

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 46 (A/45/46), annex I, decision 1/1.

2/ (Future document A/46/48.)

(iii) Subsidiary organs

At its first session, by its decision 1/1, the Committee established two Working Groups and determined their tasks.

It decided in this context that, if and when it is deemed necessary, the Working Groups, subject to the approval of the Committee, may establish ad hoc subgroups to deal with specific issues, with due respect to the understanding that no more than two meetings may be held at any one time within the Committee (decision 1/1, annex, para.11).

A possible structure of a framework convention has been prepared by the secretariat with the intention of assisting the Committee and its Working Groups in organizing their work (Annex II). If this structure were to be found useful, the different constituent elements would need to be allocated between the two Working Groups.

(c) Election of the officers of the Working Groups

Rule 40 of the rules of procedure of the Intergovernmental Negotiating Committee (document A/AC.237/5), provides that subsidiary organs shall elect their own officers. In light of the fact that the Chairman of the Committee is conducting consultations concerning the composition of the Bureaux of the two Working Groups, the Committee may wish to deal with the election of officers of the Working Groups in an integrated manner in plenary. In such a case, rule 40 would need to be waived.

(d) Dates and venues of subsequent sessions

In the light of paragraph 4 of resolution 45/212, the Executive Secretary proposes the dates and venues for the two subsequent sessions of the Committee, as follows:

Third session	9 to 20 September 1991	Nairobi
Fourth session	9 to 20 December 1991	Geneva

The Committee may wish to determine at its second session what provision needs to be made for further sessions in 1992.

(e) Provisional agenda of the third session

The Executive Secretary will propose a provisional agenda of the third session for consideration and approval by the Committee at the end of the second session.

2. Preparation of a framework convention on climate change

General Assembly resolution 45/212 and part I of the annex to Committee decision 1/1 provide general guidelines for the negotiation of a framework convention.

As envisaged at the first session of the Committee (A/AC.237/6, para. 77), the secretariat will be circulating informal papers submitted by delegations in order to facilitate work on the convention (A/AC.237/Misc.1).

The secretariat will use the possible structure contained in Annex II as the basis for a compilation of relevant texts, including these papers; this compilation is intended as an informal contribution to further substantive work. It will be available shortly before the second session (A/AC.237/Misc.2).

The General Assembly, by paragraph 17 of its resolution 45/212, requested "the Intergovernmental Negotiating Committee to take into account, as appropriate, any relevant developments in the preparations for the United Nations Conference on Environment and Development that the Preparatory Committee may bring to its attention." In this connection, the Preparatory Committee of the United Nations Conference on Environment and Development at its second session requested that the Secretary-General of the Conference transmit to the Intergovernmental Negotiating Committee relevant secretariat documents including those which deal with the cross-sectoral and developmental issues along with a summary of the comments on those secretariat documents made by delegations at the second session of the Preparatory Committee. The Report of the Preparatory Committee of the United Nations Conference on Environment and Development at its second session (future A/46/48) will be made available to the Committee. A number of other relevant documents have been forwarded by the Secretary-General of the Conference as indicated in Annex III and the Committee may wish to take them into consideration at its second session.

Any relevant matters arising from the Eleventh World Meteorological Congress and the sixteenth session of the Governing Council of the United Nations Environment Programme will be brought to the attention of the Committee.

(a) Elements related to commitments: draft text to be prepared by Working Group I

In accordance with Committee decision 1/1 (annex, paras. 5 and 6), Working Group I will prepare a draft text for consideration by the plenary related to:

"(a) Appropriate commitments, beyond those required by existing agreements, for limiting and reducing net emissions of carbon dioxide and other greenhouse gases, on the protection, enhancement and increase of sinks and reservoirs, and in support of measures to counter the adverse effects of climate change, taking into account that contributions should be equitably differentiated according to countries' responsibilities and their level of development;

(b) Appropriate commitments on adequate and additional financial resources to enable developing countries to meet incremental costs required to fulfil the commitments referred to above and to facilitate the transfer of technology expeditiously on a fair and most favourable basis;

(c) Commitments addressing the special situation of developing countries, taking into account their development needs, including, inter alia, the problems of small island developing countries, low-lying coastal areas and areas threatened by erosion, flooding, desertification and high urban atmospheric pollution; also taking into account the problems of economies in transition."

(b) Elements related to mechanisms: draft text to be prepared by Working Group II

In accordance with Committee decision 1/1 (annex, paras. 5 and 7), Working Group II will prepare a draft text for consideration by the plenary related to:

"(a) Legal and institutional mechanisms, including, inter alia, entry into force, withdrawal, compliance and assessment and review;

(b) Legal and institutional mechanisms related to scientific co-operation, monitoring and information;

(c) Legal and institutional mechanisms related to adequate and additional financial resources and technological needs and co-operation, and technology transfer to developing countries corresponding to the commitments agreed to in Working Group I."

(c) Consideration by the plenary of progress reports submitted by the Working Groups

In accordance with Committee decision 1/1 (annex, para. 2), the work of the Working Groups must be interrelated and will be integrated by the plenary. To this end, the two Working Groups will report regularly to the plenary on progress made. In this context, paragraph 10 of the annex to the same decision foresees the need for harmonizing the drafting done by the Working Groups.

In the light of the progress of work at its second session, the Committee may wish to give guidance to the Executive Secretary on the preparation of substantive documentation for its third session.

3. Requests for scientific and technical advice from the Intergovernmental Panel on Climate Change

As envisaged in paragraph 14 of General Assembly resolution 45/212 and in the report of the first session of the Committee (A/AC.237/6, para.61), the Executive Secretary is to co-operate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the needs and requests for objective scientific and technical advice made during the negotiating process.

In this connection, the report of the fifth session of the Panel, held at Geneva from 13 to 15 March 1991, will be available to the Committee. At that session, the Panel decided to undertake the following studies as short-term work:

(a) Assessment of the emissions of greenhouse gases;

(b) Analysis of present and possible future capability to predict the regional characteristics of climate change;

(c) Assessment of energy-related technologies in relation to the climate change issue;

(d) Assessment of forestry and agriculture management, adaptation measures, and impacts of climate change and response thereto;

(e) Update of the IPCC climate change scenarios;

(f) Analysis of the global impact of sea level rise.

The Intergovernmental Panel on Climate Change adopted principles governing its work. One of the agenda items on which the Panel did not complete its discussion was that of the economic issues that arise in the context of climate change.

The Committee may wish to give guidance to the Executive Secretary concerning matters on which it requires scientific and technical advice from the Intergovernmental Panel on Climate Change as an input to the preparation of a framework convention on climate change.

4. Review of extrabudgetary funds:

(a) Special voluntary fund to support the participation of developing countries

By its resolution 45/212, paragraph 10, the General Assembly established "a special voluntary fund, administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations, to ensure that developing countries, in particular the least developed among them, as well as small island developing countries, are able to participate fully and

effectively in the negotiating process". In response to the invitation in that resolution, a number of governments and a regional economic integration organization pledged contributions to the special voluntary fund as set out in Table 1 of the report of the first session of the Committee (A/AC.237/6). By its decision 1/2, the Committee urged Governments in a position to do so but which had not yet done so to contribute to the special voluntary fund according to their possibilities at an early date and expressed the hope that those which had already done so would make further contributions. It also urged the relevant bodies of the United Nations system, in particular the United Nations Development Programme, the United Nations Environment Programme and the World Meteorological Organization, to contribute generously to the special voluntary fund.

By its decision 1/2, the Committee requested the Executive Secretary, in determining the eligibility of countries for access to the fund, to bear in mind a number of considerations in addition to the criteria set out in paragraph 10 of General Assembly resolution 45/212.

(b) Trust fund for the negotiating process

The General Assembly, by its resolution 45/212, paragraph 20, decided "that the negotiating process shall be funded through existing United Nations budgetary resources, without negatively affecting its programmed activities, and through voluntary contributions to a trust fund established specifically for that purpose for the duration of the negotiations". It also invited "the World Meteorological Organization and the United Nations Environment Programme and other relevant bodies of the United Nations system, including those in the field of development, to make contributions to the negotiating process, including its funding;" Governments, regional economic integration organizations and other interested organizations were similarly invited "to contribute generously to the trust fund" (paras. 21 and 22).

At the first session of the Committee, the Executive Secretary made a statement on the funding of the negotiating process, including the operating budget of the secretariat, and indicated that the estimates made for staff and conference-servicing costs, as well as the source of funding for other costs, would have to be examined in the light of the work plan emerging from the session.

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Under this item, the Executive Secretary will submit a report (A/AC.237/8) on the state of the two extrabudgetary funds, the use being made of them and the estimated needs for funding for both purposes. The Committee may wish to express its views on these matters and call for the required contributions to both funds.

5. Adoption of the report

By paragraph 16 of its resolution 45/212, the General Assembly requested "the Intergovernmental Negotiating Committee, through the ad hoc secretariat and taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee for the Conference and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed in a timely manner, through regular progress reports, of the progress of the negotiations".

In accordance with precedent, the Committee may wish to decide that the negotiating stage of its work should be the subject of action-oriented and concise reports of a procedural nature. The Vice-Chairman acting as Rapporteur will prepare a draft report for consideration by the Committee, following consultations in accordance with usual practice.

Annex I

Tentative schedule of meetings

Wednesday, 19 June 1991		
	Time allowed for Bureau and regional group meetings	
11.30 a.m.	Opening of the session by the Chairman of the Committee	
	Item 1 (a)	Adoption of the agenda
	Item 1 (b)	Organization of work
	Item 1 (c)	Election of the officers of the Working Groups
	Item 2	Preparation of a framework convention on climate change (introductory statements by representatives of UNCED, UNEP and WMO, as needed)
3 p.m.		Meetings of Working Groups I and II (organization of work)
Thursday, 20 June 1991		
10 a.m. and 3 p.m.		Meetings of Working Groups I and II
Friday, 21 June 1991		
10 a.m.		Meetings of Working Groups I and II
3 p.m.	Item 2 (c)	Consideration by the plenary of progress reports submitted by the Working Groups
Saturday, 22 June 1991		
a.m. and p.m.		Informal meetings, without interpretation, if needed
Monday, 24 June 1991		
10 a.m. a/	Item 3	Requests for scientific and technical advice from IPCC

a/ Facilities would be available for one Working Group to meet simultaneously with plenary, as required.

Tentative schedule of meetings cont'd

	Item 4	Review of extrabudgetary funds:
	(a)	Special voluntary fund to support the participation of developing countries
	(b)	Trust fund for the negotiating process
3 p.m.		Meetings of Working Groups I and II
Tuesday, 25 June 1991		
10 a.m. and 3 p.m.		Meetings of Working Groups I and II
Wednesday, 26 June 1991		
10 a.m. and 3 p.m.		Meetings of Working Groups I and II
Thursday, 27 June 1991		
10 a.m. (and p.m. if needed)		Meetings of Working Groups I and II (conclusion of work for the session)
Friday, 28 June 1991		
10 a.m.	Item 2 (c)	Consideration by the plenary of progress reports submitted by the Working Groups
3 p.m.	Item 1 (d)	Dates and venues of subsequent sessions
	Item 1 (e)	Provisional agenda of the third session
	Item 5	Adoption of the report

CLOSURE OF THE SESSION

ANNEX II

ORGANIZATION OF WORK:

Possible Structure of a Framework
Convention on Climate Change

Note: This illustrative structure was derived from Committee decision 1/1, General Assembly resolution 45/212, the Intergovernmental Panel on Climate Change Report of Topic Co-ordinators on Legal Measures, and existing international legal instruments on related subjects.

Its purpose is to assist the Committee and its Working Groups in organizing their work. If this structure were to be found useful, the different constituent elements would need to be allocated between the two Working Groups.

PREAMBLE

CHAPTER I Definitions

CHAPTER II Principles

CHAPTER III General Obligations

CHAPTER IV Specific Commitments on Emissions, Sinks and Counter Measures a/

4.1 Measures to limit and reduce net emissions of carbon dioxide and other greenhouse gases, beyond those required by existing agreements

4.2 Measures to protect,enhance and increase sinks and reservoirs of carbon dioxide and other greenhouse gases

4.3 Measures to counter the adverse effects of climate change

CHAPTER V Special Situation of Developing Countries

Measures to address:

a. development needs of developing countries
b. problems of small island developing countries
c. low lying coastal areas
d. arid and semi-arid areas and areas prone to drought and desertification
e. areas threatened by erosion
f. tropical regions liable to seasonal flooding
g. high urban atmospheric pollution

CHAPTER VI Financial Resources

Commitments and institutional mechanisms for the provision of adequate and additional financial resources to enable developing countries to meet incremental costs required to fulfil the commitments in Chapter IV above.

CHAPTER VII Transfer of Technology

Commitments and institutional mechanisms for facilitating the development of technology and its expeditious transfer on a fair and most favourable basis.

CHAPTER VIII Scientific and Technological Co-operation

8.1 Research and Systematic Observation

8.2 Exchange of Information and Data

CHAPTER IX Monitoring, Assessment and Review

9.1 Monitoring

9.2 Assessment of national policies, data and performance under the convention

9.3 Periodic review of overall implementation under the convention

CHAPTER X Compliance Control

CHAPTER XI Institutional Arrangements

11.1 Conference of the Parties

a. establishment of rules of procedure and financial and administrative rules and regulations

b. decision-making and voting rights

c. co-operation with relevant United Nations organisations, other intergovernmental organisations and non-governmental organisations.

11.2 Executive Committee

11.3 Secretariat

CHAPTER XII Settlement of Disputes

CHAPTER XIII Arrangements with regard to Protocols, Annexes and Amendments b/

13.1 Adoption of Protocols

13.2 Relationship between the Convention and its Protocols

13.3 Amendment of the Convention or Protocols

13.4 Adoption and Amendment of Annexes

CHAPTER XIV Final Provisions

14.1 Signature
14.2 Ratification, Acceptance or Approval
14.3 Accession
14.4 Entry into Force
14.5 Reservations and Declarations (No Reservations clause)
14.6 Withdrawal
14.7 Depositary
14.8 Authentic texts

Annexes

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a/ Commitments would take into account that contributions should be equitably differentiated according to countries' responsibilities and their level of development. The problems of economies in transition would also be taken into account.

b/ Negotiators will have to decide on the distribution of content between provisions in the Convention and those in annexes and/or protocols. Protocols are separate supplementary legal instruments which can be adopted simultaneously or subsequent to the adoption of the Convention. Annexes are an integral part of a convention (or of a Protocol, as the case may be) and because of their technical nature are more susceptible to frequent changes and therefore require simpler amendment procedures.

Annex III

List of documents for the second session of the Intergovernmental Negotiating Committee

Documents prepared for the session

A/AC.237/7	Provisional agenda and annotations to the provisional agenda including suggestions for the organization of work
A/AC.237/8	Review of extrabudgetary funds established under General Assembly resolution 45/212
A/AC.237/Misc.1 (English only)	Set of informal papers provided by delegations, including "non-papers", related to the preparation of a framework convention on climate change
A/AC.237/Misc.2 (English only)	Compilation of possible elements for a framework convention on climate change: Informal document prepared by the secretariat on the basis of an analysis of the above-mentioned informal papers and of other relevant texts
A/AC.237/INF.4	Practical information for participants

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Other documents available at the session

A/AC.237/5	Rules of procedure
A/AC.237/6	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its first session, held at Washington D.C., from 4 to 14 February 1991

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Report of the Intergovernmental Panel on Climate Change on its fifth session

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Documents relevant to the preparations for the United Nations Conference on Environment and Development

Future A/46/48	Report of the Preparatory Committee of the United Nations Conference on Environment and Development at its second session

A/CONF.151/PC/22	Protection of the atmosphere: climate change. Synthesis report on ongoing processes and recommendations
A/CONF.151/PC/23	Protection of the atmosphere: climate change. Report on costing exercises of measures adopted to limit possible climate change
A/CONF.151/PC/ WG.1/CRP.5	Protection of the atmosphere: climate change Chairman's summary - Working Group I
A/CONF.151/PC/17	Cross-sectoral issues. Progress report on transfer of technology. Report by the Secretary-General of the Conference
A/CONF.151/PC/18	Cross-sectoral issues. Progress report on financial resources. Report by the Secretary-General of the Conference
A/CONF.151/PC/36	Cross-sectoral issues. Progress report on institutions. Report by the Secretary-General of the Conference
A/CONF.151/PC/ WG.III/2	Legal issues for Working Group III. Note by the secretariat
A/CONF.151/PC/L.28 and Add.1-3	List of non-governmental organizations recommended for accreditation by the Secretary-General of the Conference. Note by the secretariat

Available for reference purposes:

General Assembly resolutions

45/212	Protection of global climate for present and future generations of mankind (21 December 1990)
45/211	United Nations Conference on Environment and Development (21 December 1990)
44/228	United Nations Conference on Environment and Development (22 December 1989)
44/207	Protection of global climate for present and future generations of mankind (22 December 1989)

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A/45/696/Add.1 Progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind - Report by the Secretary-General (Final statement of the Scientific/Technical session of the Second World Climate Conference and Ministerial Declaration of the Conference)

Regional intergovernmental meetings

A/CONF.151/PC/10 Action for a common future. Report of the Economic Commission for Europe on the Bergen Conference (8 - 16 May 1990)

A/CONF.151/PC/38 Report of the Economic and Social Commission for Asia and the Pacific on the Ministerial-level Conference on Environment and Development in Asia and the Pacific (Bangkok, 15- 16 October 1990)

A/CONF.151/PC/L.30 Tlatelolco Platform on Environment and Development, adopted by ministers of the Latin American and Caribbean countries at the end of the Regional Preparatory Meeting of the United Nations Conference on Environment and Development (Mexico City, 7 March 1991)